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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

City of Marion Emergency Telephone	)	DOCKET NO.
System Board	)	14-0483
	)	
Petition to Modify the 9-1-1 System	)	
Service Provider.	)	

Springfield, Illinois

October 1, 2014

Met, pursuant to notice, at 1:00 p.m.

BEFORE:

John D. Albers, Administrative Law Judge

MIDWEST LITIGATION SERVICES  
by: Dorothy J. Hart, RPR, CSR  
CSR #084-001390

1 APPEARANCES:

2 Rhett Barke  
3 102 South Orchard  
4 Carlinville, Illinois 62901  
5 (Appearing via teleconference  
6 on behalf of City of Marion  
7 Emergency Telephone System Board)

8 Wendy Cunningham  
9 Williamson County State's Attorney's Office  
200 West Jefferson Street  
Marion, Illinois 62959  
(Appearing via teleconference  
on behalf of Williamson County  
Emergency Telephone System Board)

10 Matthew L. Harvey  
11 Office of General Counsel  
12 Illinois Commerce Commission  
13 160 North LaSalle Street, Suite C-800  
14 Chicago, Illinois 60601  
15 (Appearing via teleconference on  
16 behalf of the Staff of the  
17 Illinois Commerce Commission)

18 John H. Kelly  
19 Ottosen Britz Kelly Cooper  
20 Gilbert & DiNolfo, Ltd.  
21 1804 North Naper Boulevard, Suite 350  
22 Naperville, Illinois 60563  
23 (Appearing via teleconference  
24 on behalf of NG-911, Inc.)

20 Mark Ortlieb  
21 At&T Illinois  
22 225 West Randolph Street, Suite 2500  
23 Chicago, Illinois 60606  
24 (appearing via teleconference  
on behalf of AT&T Illinois and  
AT&T Mobility)

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1 PROCEEDINGS

2 JUDGE ALBERS: By the authority vested  
3 in me by the Illinois Commerce Commission, I now  
4 call Docket Number 14-0483. This docket concerns  
5 the Petition of the City of Marion Emergency  
6 Telephone System Board and its request to modify  
7 its 911 system.

8 May I have the appearances for the  
9 record, please?

10 MR. KELLY: Your Honor, John Kelly,  
11 K-e-l-l-y, 1804 North Naper Boulevard, Naperville,  
12 Illinois, (630) 682-0085, on behalf of NG-911,  
13 Inc., the Intervenor in this matter.

14 I also have Michael Ramsey, President  
15 and CEO of NG-911, Inc. present.

16 MR. HARVEY: For the Illinois Commerce  
17 Commission, Matthew L. Harvey, 160 North LaSalle  
18 Street, Suite C-800, Chicago, Illinois 60601.

19 Also present in open court are Marci  
20 Elliott, Stacy Ross, and Russell Murray.

21 JUDGE ALBERS: And for the City of  
22 Marion?

23 MR. BARRETT: William Barrett,  
24 B-a-r-r-e-t-t, 1001 West Deyoung Street, Marion,

1 Illinois 62959, 911 Coordinator.

2 JUDGE ALBERS: And, Mr. Barrett, do you  
3 have an attorney who might be willing to enter an  
4 appearance as well with you?

5 MS. CUNNINGHAM: Well, Your Honor, I  
6 don't represent the City of Marion. I'm with the  
7 Williamson County State's Attorney office. I do  
8 represent the County of Williamson. However, I can  
9 ask him some preliminary questions for direct  
10 examination purposes for today if the Court would  
11 like me to.

12 JUDGE ALBERS: Well, I think I -- I  
13 need to have a lawyer representing him as opposed  
14 to just him representing himself on behalf of the  
15 ETSB.

16 MR. BARRETT: Then the answer is no.

17 JUDGE ALBERS: Okay. All right. Well,  
18 we can at least take care of the testimony we do  
19 have counsel for.

20 MR. ORTLIEB: Your Honor, if I could,  
21 Mark Ortlieb, just enter my appearance on behalf of  
22 AT&T --

23 JUDGE ALBERS: Oh, please, yes.

24 MR. ORTLIEB: -- AT&T Illinois and AT&T

1 Mobility.

2 JUDGE ALBERS: All right. In terms of  
3 preliminary matters then, we do have the Petition  
4 to Intervene from Illinois Bell Telephone Company,  
5 d/b/a AT&T Illinois and New Cingular Wireless. Any  
6 objection to that Petition to Intervene?

7 MR. KELLY: No objection from  
8 Intervenor NG-911, Inc..

9 JUDGE ALBERS: Hearing no objection,  
10 then it's granted.

11 Anyone else have any other preliminary  
12 matters they'd like to raise?

13 (No response)

14 JUDGE ALBERS: Hearing none, we can  
15 move on. Is there any question, though, about why  
16 City of Marion needs to have its own attorney or at  
17 least an attorney representing them, Mr. Barrett?

18 MR. BARRETT: I was under the  
19 impression that I did not need an attorney.

20 JUDGE ALBERS: Okay. Well, the Supreme  
21 Court's been more strict within the last few months  
22 about having attorneys represent parties as opposed  
23 to someone who is not an attorney representing an  
24 organization, and given that you're not

1 representing yourself, so to speak, and you are  
2 representing the ETSB, you need to have an  
3 attorney. I hoped by that e-mail I sent prior to  
4 the hearing that might have spurred some action on  
5 the Marion ETSB's part. Is there one that can be  
6 tracked down relatively quickly?

7 MR. BARRETT: I do have a city  
8 attorney, but there was no way to get ahold of them  
9 within the short period of time that I needed.

10 JUDGE ALBERS: Okay. Well, if you'd  
11 like to take a break and try to catch them, go  
12 ahead, and we can take care of the testimony that's  
13 been offered by the other parties.

14 MR. BARRETT: I don't -- is there any  
15 -- can we just do another date for me or something  
16 differently instead of holding everybody up?  
17 Because I don't think I'll be able to get ahold of  
18 him today.

19 JUDGE ALBERS: Okay. Well, if we have  
20 to, we'll do it that way.

21 MR. BARRETT: I've tried to get ahold  
22 of him but no response.

23 JUDGE ALBERS: All right. Well, let's  
24 just move on then with NG-911 and Staff.

1                   So, Mr. Kelly, if you'd like to go.

2                   MR. KELLY: Yes, Your Honor, I'd like  
3 to call Michael Ramsey, President and CEO of  
4 NG-911, Inc..

5                   JUDGE ALBERS: All right. Mr. Ramsey,  
6 I'll go ahead and swear you in along with the Staff  
7 witnesses appearing for this case.

8                   MR. RAMSEY: I'm ready, Your Honor.  
9 Thank you.

10                  JUDGE ALBERS: All right. Stand and  
11 raise your right hand.

12                  MR. RAMSEY: Yes, sir.

13                               (Whereupon Mr. Ramsey and Staff  
14 witnesses were duly sworn.)

15                  JUDGE ALBERS: All right. Go ahead,  
16 Mr. Kelly.

17                               MICHAEL L. RAMSEY,  
18 of lawful age, produced, sworn, and examined on  
19 behalf of Intervenor NG-911, Inc., testifies and  
20 says:

21                               DIRECT EXAMINATION

22                   QUESTIONS BY MR. KELLY:

23                   Q. Mr. Ramsey, could you state your name  
24 and spell your last name, please?

1           A. Michael L. Ramsey, R-a-m-s-e-y.

2           Q. And please identify yourself relative  
3 to your presence in this proceeding.

4           A. President and CEO of NG-911, Inc.,  
5 Intervenor.

6           Q. And, Mr. Ramsey, did at some time you  
7 prepare testimony that has been filed in this case  
8 and marked as NG-911, Inc. Exhibit Number 1.0?

9           A. I did, sir, yes.

10          Q. All right. And since you prepared that  
11 testimony has anything changed regarding that  
12 testimony?

13          A. No changes.

14          Q. Are there any corrections, additions,  
15 or revisions that you would like to make to that  
16 testimony as of today?

17          A. None as of today.

18          Q. And did you also offer NG-911, Inc.  
19 Exhibit 1.1, which was your resume?

20          A. Yes, sir.

21          Q. And is that resume substantially the  
22 same today as it was when it was offered into  
23 evidence in this proceeding?

24          A. It is so, yes.

1                   MR. KELLY: That's all we have for  
2 Mr. Ramsey, Your Honor, and we'd move to admit  
3 NG-911, Inc.'s Exhibits 1.0 and 1.1.

4                   JUDGE ALBERS: Does anyone have any  
5 questions of Mr. Ramsey?

6                   MR. ORTLIEB: AT&T does not.

7                   MR. HARVEY: Staff does not, Your  
8 Honor.

9                   JUDGE ALBERS: All right. Any  
10 objection then to Exhibit 1.0 and Exhibit 1.1?

11                               (No response)

12                   JUDGE ALBERS: Hearing none, then they  
13 are admitted.

14                               (NG-911, Inc. Exhibits 1.0 and 1.1  
15 admitted.)

16                   JUDGE ALBERS: Thank you, Mr. Ramsey.  
17 Anything further from NG-911?

18                   MR. KELLY: Not at this time, Your  
19 Honor.

20                   JUDGE ALBERS: Thank you.

21                   MR. RAMSEY: You're welcome, Your  
22 Honor.

23                               (Witness excused)

24                   JUDGE ALBERS: Mr. Harvey?

1                   MR. HARVEY: Your Honor, Staff would  
2 call Stacy Ross at this time.

3                   JUDGE ALBERS: And she is here.

4                   MS. ROSS: Yeah, I'm here.

5                                STACY ROSS,  
6 of lawful age, produced, sworn, and examined on  
7 behalf of the Illinois Commerce Commission,  
8 testifies and says:

9                                DIRECT EXAMINATION

10                   QUESTIONS BY MR. HARVEY:

11                   Q. Are you available and ready?

12                   A. Yes.

13                   Q. Ms. Ross, could you state your name,  
14 please, and spell it for the record?

15                   A. Sure. It's Stacy Ross, S-t-a-c-y  
16 R-o-s-s.

17                   Q. And how are you employed?

18                   A. I'm a 911 Program Analyst in the Safety  
19 and Reliability Division of the Commerce  
20 Commission.

21                   Q. Do you have before you a document that  
22 has been marked as Staff Exhibit Number 1.0 in this  
23 proceeding?

24                   A. Yes, I do.

1 Q. Does it consist of a cover page and  
2 eight pages of text in question and answer form?  
3 A. Yes, it does.  
4 Q. Was this document prepared by you or at  
5 your direction?  
6 A. Yes.  
7 Q. If I were to ask you the questions  
8 contained in Staff Exhibit 1.0, would your answers  
9 be the same as they were on September 16th, 2014,  
10 when this was filed?  
11 A. Yes.  
12 Q. Are all of those answers true and  
13 correct?  
14 A. Yes.  
15 Q. Do you have any corrections to make to  
16 this document?  
17 A. No.  
18 MR. HARVEY: Thank you, Ms. Ross.  
19 I move Staff Exhibit 1.0 into evidence  
20 and tender the witness for cross-examination.  
21 JUDGE ALBERS: Any questions for  
22 Ms. Ross?  
23 MR. KELLY: NG-911, Inc. has no  
24 objection to the tender of the exhibit and no

1 questions for Ms. Ross.

2 MR. ORTLIEB: Your Honor, AT&T has no  
3 questions and no objection.

4 JUDGE ALBERS: All right. Hearing no  
5 objection, then Staff Exhibit 1 is admitted.

6 (Staff Exhibit 1.0 admitted.)

7 JUDGE ALBERS: Anything further for  
8 Ms. Ross then?

9 (No response)

10 JUDGE ALBERS: Thank you, Ms. Ross.

11 (Witness excused)

12 JUDGE ALBERS: Turning to Mr. Murray.

13 RUSSELL W. MURRAY,  
14 of lawful age, produced, sworn, and examined on  
15 behalf of the Illinois Commerce Commission,  
16 testifies and says:

17 DIRECT EXAMINATION

18 QUESTIONS BY MR. HARVEY:

19 Q. Mr. Murray, would you please state your  
20 name and spell it for the record?

21 A. Russell W. Murray, R-u-s-s-e-l-l  
22 M-u-r-r-a-y.

23 Q. How are you employed, Mr. Murray?

24 A. I'm an Engineering Analyst for the

1 Safety and Reliability Division of the Illinois  
2 Commerce Commission.

3 Q. Do you have before you a document  
4 that's been marked as Staff Exhibit 2.0 in this  
5 proceeding?

6 A. Yes, I do.

7 Q. Does it consist of a cover page and  
8 five pages of text in question and answer format?

9 A. Yes.

10 Q. Was it prepared by you or at your  
11 direction?

12 A. Yes.

13 Q. If I were to offer you -- or, if I were  
14 to ask you the same questions that are set forth in  
15 the document, would your answers be the same as  
16 they were on the date it was submitted?

17 A. Yes.

18 Q. And are all of those answers true and  
19 correct?

20 A. Yes.

21 Q. Do you have any corrections to make to  
22 the document?

23 A. No.

24 MR. HARVEY: Thank you. With that, I

1 would move Staff Exhibit Number 2.0 into evidence  
2 and tender the witness for cross-examination.

3 JUDGE ALBERS: Any questions or any  
4 objection concerning this?

5 MR. KELLY: No questions from NG-911,  
6 Inc. and no objection to the offer of the exhibit.

7 MR. ORTLIEB: Likewise, AT&T has no  
8 questions for the witness and does not object to  
9 the admission of the testimony.

10 JUDGE ALBERS: Thank you. Hearing no  
11 objection, Staff Exhibit 2 is admitted.

12 (Staff Exhibit 2.0 admitted.)

13 JUDGE ALBERS: Anything further from  
14 Staff?

15 MR. HARVEY: Nothing, Your Honor.

16 JUDGE ALBERS: All right. Thank you.

17 Just before I forget to ask, does  
18 anyone object to the requested confidential  
19 treatment concerning the exhibits that have been  
20 marked as such?

21 (No response)

22 JUDGE ALBERS: I'll take the silence as  
23 a no.

24 Off the record for a minute.

1 (Discussion off the record.)

2 JUDGE ALBERS: Back on the record in  
3 the City of Marion case. We're going to recess  
4 this one for a short time to see if Mr. Barrett can  
5 track down an attorney -- city attorney to  
6 represent him, and we will reconvene in a short  
7 while.

8 (Whereupon the hearing was in  
9 recess.)

10 JUDGE ALBERS: Back on the record in  
11 Docket 14-0483.

12 We have counsel for the City of Marion  
13 ETSB, so I'll let him get his appearance entered.

14 Go ahead, Mr. Barke.

15 MR. BARKE: Yes. My name is Rhett  
16 Barke, attorney for City of Marion.

17 JUDGE ALBERS: And could you state your  
18 address and phone number, please?

19 MR. BARKE: Sure. It's 102 South  
20 Orchard, Carbondale, Illinois 62901.

21 JUDGE ALBERS: All right. And,  
22 Mr. Barke, if you'd like to introduce your  
23 witness's testimony, I'd appreciate that.

24 MR. BARKE: May I call William Barrett?

1                   MR. BARRETT:  Yes, William Barrett,  
2   B-a-r-r-e-t-t.

3                               WILLIAM BARRETT,  
4   of lawful age, produced, and examined on behalf of  
5   the Petitioner, testifies and says:

6                               DIRECT EXAMINATION

7   QUESTIONS BY MR. BARKE:

8                   Q.  And, Mr. Barrett, what's your  
9   occupation?

10                  A.  I'm the 911 Coordinator for the City of  
11   Marion.

12                  Q.  And what's the business address of that  
13   organization?

14                  A.  It's 1001 West Deyoung Street, Marion,  
15   Illinois 62959.

16                  Q.  All right.  I'm going to direct your  
17   attention to July 28th of this year, 2014.  Are you  
18   familiar with that day?

19                  A.  Yes.

20                  Q.  All right.  And did you cause to be  
21   filed any documents with the Illinois Commerce  
22   Commission?

23                  A.  Yes, I did.

24                  Q.  And what did you file?

1           A. I filed a plan modification for our --  
2           JUDGE ALBERS: Mr. Barrett, are you  
3 still there?  
4           MR. BARRETT: Yes.  
5           JUDGE ALBERS: Okay. It just got  
6 really quiet.  
7           MR. BARRETT: Sorry.  
8           Q. And did you file anything else with  
9 that Petition to Modify?  
10          A. Yes. I filed my prefiled testimony.  
11          Q. And I don't have what that's been  
12 marked as far as an exhibit number. Is there an  
13 exhibit number marked on that, Mr. Barrett?  
14          A. Yes, Exhibit 1.  
15          JUDGE ALBERS: This is Judge Albers.  
16 Why don't we just call that Marion Exhibit 1?  
17          MR. BARKE: Thank you.  
18          Q. And, Mr. Barrett, when referring to  
19 that exhibit, the prefiled testimony, if I was to  
20 ask you today as you're sitting under oath  
21 regarding that document, would anything in that  
22 document need to be changed or modified?  
23          A. No.  
24          Q. And is that testimony that's in that

1 document marked as Exhibit Marion 1 true, correct,  
2 and accurate?

3 A. Yes.

4 Q. And you don't have any additions or  
5 subtractions from that prefiled testimony today?

6 A. No.

7 Q. In addition to that prefiled testimony,  
8 you've indicated you filed a Petition to Modify on  
9 July 28th; correct?

10 A. Yes.

11 Q. And you're asking the Illinois Commerce  
12 Commission to review that matter?

13 A. Yes.

14 JUDGE ALBERS: Mr. Barrett, this is  
15 Judge Albers. Sitting here right now, I cannot  
16 recall if you specifically were sworn in during the  
17 earlier portion of this hearing. Were you, sir?

18 MR. BARRETT: I don't believe I was.

19 JUDGE ALBERS: Okay. Why don't I go  
20 ahead and do that now and then we'll just take care  
21 of that.

22 (Whereupon Mr. Barrett was duly  
23 sworn.)

24 JUDGE ALBERS: All right. And if asked

1 the same questions that Mr. Barke just asked you,  
2 would you give the same answers?

3 MR. BARRETT: Yes, I would.

4 JUDGE ALBERS: All right. Thank you.

5 I apologize for that interruption  
6 there, but go ahead, Mr. Barke.

7 Q. All right. The last question is:  
8 You're wanting the ICC to review the Petition to  
9 Modify along with the attachments and exhibits as  
10 well as your testimony today; correct?

11 A. Yes.

12 MR. BARKE: I have nothing further.

13 JUDGE ALBERS: All right. And is it  
14 your desire to have Mr. Barrett's testimony moved  
15 into the record?

16 MR. BARKE: Yes, as well as Exhibit  
17 City of Marion 1, please.

18 JUDGE ALBERS: Yes.

19 Mr. Barrett, let me ask you a couple of  
20 quick questions first before we take care of that.

21 EXAMINATION

22 QUESTIONS BY JUDGE ALBERS:

23 Q. I noticed on the petition and your  
24 testimony there appeared to be a conflict between

1 when the original 911 plan was filed with the  
2 Commission. The petition indicates it was filed in  
3 January of '97, but in your testimony it references  
4 a Docket Number of 95-0541. Can you tell me for  
5 sure when that docket was filed?

6 A. I believe the correct date is March of  
7 1996.

8 Q. Okay. That's when it was filed with  
9 the Commission?

10 A. No. I'm sorry. It was filed on April  
11 29th of 1994 is when it was filed.

12 Q. Okay. Do you happen to know the docket  
13 number then for that case?

14 A. Yes, I do. It is 94-0175.

15 Q. 94-0175?

16 A. Yes.

17 Q. Thank you. And then can you tell me  
18 when the 911 system became operational?

19 A. That I believe to be March of 1996.

20 JUDGE ALBERS: Okay. Thank you.

21 That's all I have for you, sir.

22 Does anyone have any objections or  
23 other questions for Mr. Barrett?

24 MR. HARVEY: None from Staff, Your

1 Honor.

2 MR. ORTLIEB: Nothing from AT&T.

3 MR. KELLY: And nothing from NG-911,

4 Inc..

5 JUDGE ALBERS: All right. Well,

6 hearing none, then Marion Exhibit 1 is admitted.

7 (Marion Exhibit 1 admitted.)

8 JUDGE ALBERS: Thank you, Mr. Barke.

9 (Witness excused)

10 JUDGE ALBERS: Anything further from

11 the City of Marion?

12 MR. BARKE: No.

13 JUDGE ALBERS: All right. Thank you.

14 MR. BARKE: Thank you.

15 JUDGE ALBERS: I'm not aware of

16 anything else that we need to cover in this docket,

17 so unless someone else does -- going once, twice --

18 I'll mark the record heard and taken.

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1 CERTIFICATE OF REPORTER  
2 STATE OF ILLINOIS )  
3 ) ss  
4 COUNTY OF SANGAMON )  
5 I, DOROTHY J. HART, a Registered  
6 Professional Reporter and Certified Shorthand  
7 Reporter within and for the State of Illinois, do  
8 hereby certify that the witnesses whose testimony  
9 appears in the foregoing hearing were duly sworn by  
10 Judge Albers; that the testimony of said witnesses  
11 was taken by me to the best of my ability and  
12 thereafter reduced to typewriting under my  
13 direction; that I am neither counsel for, related  
14 to, nor employed by any of the parties to the  
15 action in which this testimony was taken, and  
16 further that I am not a relative or employee of any  
17 attorney or counsel employed by the parties  
18 thereto, nor financially or otherwise interested in  
19 the outcome of the action.

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Registered Professional Reporter  
Certified Shorthand Reporter  
Illinois CSR No. 084-001390